

**House File 402 - Introduced**

HOUSE FILE 402

BY HUNTER

**A BILL FOR**

1 An Act requiring the consideration of project labor agreements  
2 for certain state construction projects.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 72.6 Project labor agreements.

2 1. For the purposes of this section:

3 a. "*Labor organization*" means an area or state building  
4 and construction trades or crafts council, organization, or  
5 association or a comparable body.

6 b. "*Large-scale construction project*" means the  
7 construction, rehabilitation, alteration, conversion,  
8 extension, repair or improvement of a vertical public works  
9 project, including a building and other real property-related  
10 project, where the total project cost is twenty-five million  
11 dollars or more.

12 c. "*Project labor agreement*" means a comprehensive pre-hire  
13 collective bargaining agreement that is negotiated between a  
14 project's owner and an appropriate labor organization and sets  
15 out the basic terms and working conditions for that particular  
16 project.

17 2. A state agency shall consider using a project labor  
18 agreement in connection with a large-scale construction project  
19 as provided in this section.

20 3. In awarding a contract in connection with a large-scale  
21 construction project, or in obligating funds pursuant to such a  
22 contract, a state agency, on a project-by-project basis, may  
23 require the use of a project labor agreement where the use will  
24 advance the state's interest. In making the decision whether  
25 to use a project labor agreement, the state agency shall  
26 consider the following factors:

27 a. The potential for a labor disruption, such as a strike,  
28 lockout, or slowdown, which could affect the timely completion  
29 of the project.

30 b. The number of trades and crafts anticipated to be used  
31 on the project.

32 c. The need and urgency of the project and the harm to the  
33 public if the completion of the project is delayed.

34 d. The size and complexity of the project and the time  
35 needed for its completion.

1 e. The benefits to the public from the use of the project  
2 labor agreement relative to the project's cost, efficiency,  
3 quality, safety, and timeliness of completion.

4 f. The ability to ensure compliance with all applicable  
5 state laws and rules governing safety and health, equal  
6 employment opportunity, labor, and employment standards.

7 4. If a state agency determines that the use of a project  
8 labor agreement will advance the state's interest, the state  
9 agency may require that every contractor or subcontractor  
10 on the project agree, for that project, to negotiate or  
11 become a party to a project labor agreement with one or more  
12 appropriate labor organizations. The decision to use a project  
13 labor agreement shall be supported by written findings by  
14 the affected state agency which demonstrate how the use of a  
15 project labor agreement will benefit the state's interest,  
16 particularly with respect to the factors enumerated in  
17 subsection 3.

18 5. A project labor agreement reached pursuant to this  
19 section shall do all of the following:

20 a. Bind all contractors and subcontractors on the  
21 large-scale construction project through the inclusion of  
22 appropriate specifications in all relevant solicitation  
23 provisions and contract documents.

24 b. Allow all contractors and subcontractors to compete for  
25 contracts and subcontracts without regard to whether they are  
26 otherwise parties to collective bargaining agreements.

27 c. Contain guarantees against strikes, lockouts, and similar  
28 job disruptions.

29 d. Set forth effective, prompt, and mutually binding  
30 procedures for resolving labor disputes arising during the term  
31 of the project labor agreement.

32 e. Provide other mechanisms for labor-management cooperation  
33 on matters of mutual interest and concern, including but not  
34 limited to productivity, quality of work, safety, and health.

35 f. Fully conform to all applicable state laws and rules.

1 6. This section shall not be construed to preclude the  
2 use of a project labor agreement on any construction project  
3 not otherwise subject to this section. This section shall  
4 not be construed to require a contractor or subcontractor to  
5 enter into a project labor agreement with any particular labor  
6 organization.

7 EXPLANATION

8 The inclusion of this explanation does not constitute agreement with  
9 the explanation's substance by the members of the general assembly.

10 This bill relates to project labor agreements for state  
11 construction projects.

12 The bill includes definitions relating to project labor  
13 agreements. The bill requires a state agency to consider  
14 using a project labor agreement for a large-scale construction  
15 project. The bill defines a "large-scale construction project"  
16 as the construction, rehabilitation, alteration, conversion,  
17 extension, repair, or improvement of a vertical public works  
18 project, including a building and other real property-related  
19 project, where the total project cost is \$25 million or more.  
20 The bill provides that a state agency may require the use of a  
21 project labor agreement where the use will advance the state's  
22 interest. The bill sets out certain factors for making such  
23 a decision. The bill delineates the effects of a project  
24 labor agreement. The bill specifies that the bill should not  
25 be construed to preclude a state agency from using a project  
26 labor agreement for any construction project not otherwise  
27 covered by the bill. The bill specifies that the bill should  
28 not be construed to require a contractor or subcontractor to  
29 enter into a project labor agreement with any particular labor  
30 organization.